REMARKS

In response to the Office Action dated October 1, 2009, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-4, 6-15, and 18-38 are pending in this application.

Objection to the Specification

The Office objected to the specification.   The Assignee previously presented an amendment that inserted new paragraphs [0044A] though [0044W]. The Office has now denied entry of these new paragraphs, saying the as-filed application did not convey an intent to incorporate the new paragraphs.

The Office is, very respectfully, mistaken. Paragraph [0001] lists related applications, and paragraph [0001] is reproduced below:

> [0001]   This application is related to co-pending application serial numbers (Attorney docket # 36968/265390 (BS1371), filed herewith), entitled, "Method and System to Perform Content Targeting," (Attorney Docket No. 36968/265386 (BS01341), filed herewith), entitled "System and Method for Utilizing Television Viewing Patterns," (Attorney Docket No. 36968/265389 (BS01378), filed herewith), entitled "System and Method for Developing Tailored Television Content Related Packages," (Attorney Docket No. 36968/265387 (BS01342), filed herewith), entitled "System and Method for Identifying Desirable Subscribers," (Attorney Docket No. 36968/265393 (BS01377), filed herewith), entitled "Advertising and Content Management Systems and Methods," (Attorney docket # BS-00-138, filed May 22, 2001), entitled "Method and Apparatus for Providing Incentives to Viewers to Watch Commercial Advertisements," **and U.S. Application Serial No. 09/496825, filed February 1, 2000, which are hereby incorporated by reference**.

Paragraph [0001] expressly mentions U.S. Application 09/496,825. New paragraphs [0044A] though [0044W] are copied from U.S. Application 09/496,825 to Grauch, *et al.*, which is incorporated by reference. The Office is thus respectfully requested to enter the new paragraphs [0044A] though [0044W].

Rejection of Claims under § 112

The Office rejected claims 1 and 38 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Office, in particular, asserts that the as-filed application fails to support "clickstream data."

The Assignee, very respectfully, disagrees. The Assignee strongly asserts that the written description requirement is completely satisfied. New paragraphs [0044A] though [0044W], for example, fully explain how clickstream data is received and used. The Assignee, then, respectfully submits that the pending claims fully comply with the written description requirement of § 112, first paragraph.

Rejection of Claims under § 103 (a)

The Office rejected claims 1-4, 6-15, and 18-38 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0049631 to Williams in view of WO 99/45702 to Knudsen.

These claims, though, are not obvious over *Williams* with *Knudsen*. These claims already recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Williams* with *Knudsen*. Independent claim 1, for example, recites "*generat[ing] event time data that describes the clickstream data and the content information over time*" and "*classifying the user … in the user classification when the data describing the event timeline data relates to the at least one user's purchase records*" (emphasis added). Independent claims 18 and 38 recite similar features.

These features are not obvious over *Williams* and *Knudsen*. The Office asserts that *Williams* and *Knudsen* teaches these features, and the Office specifically cites to portions of *Knudsen*. The Office, though, is mistaken. The Office has, very respectfully, misinterpreted

Knudsen.   When *Knudsen* is correctly interpreted, the combined teaching of *Williams* and *Knudsen* makes no such teaching.

Williams discusses an incentive system that associates incentives to purchased items. *See, e.g.*, U.S. Patent Application Publication 2002/0049631 to Williams at paragraphs [0012], [0013], and [0033]. *Williams* discusses a set top box that can send "an acceptance of an offer" in "instructions" to an advertisement.   U.S. Patent Application Publication 2002/0049631 to Williams at paragraphs [0035] - [0037]. The Office concedes that *Williams* fails to teach or suggest "*generat[ing] event time data that describes the clickstream data and the content information over time.*"

So the Office cites to *Knudsen's* pages 29-30.   The Office specifically states that *Knudsen's* pages 29-30 teach classifying the user "based on channel watched, the volume watched, and the time of day and days of the week and days of the month watched." *See* Examiner Alvarez, Office Action mailed October 1, 2009, at page 4, second paragraph. Examiner Alvarez also asserts that "if a user watches [a] sports channel, the user is classified as being athletic and therefore will receive advertisements related to athletic shoes." *See id.*

The Assignee finds no basis for these assertions. *Knudsen's* page 29 describes how tags may be added to advertising and programming. An "advertisement for athletic footwear," for example, may include a "channel tag" that includes "channel identifier information" for sports channels. *See* WO 99/45702 to Knudsen at page 29, lines 18-22. "Broadcast time tags" identify broadcast times, such that "advertisements for breakfast foods" are associated with "morning time slots" and "dinner foods" are associated with "evening" hours. *Knudsen*, at page 29, lines 22-28. "Category tags" relate to "genres or themes," such that the "advertisement for athletic footwear" may be associated with "sports." Nowhere, though, does *Knudsen's* page 29 teach anything related to "*generat[ing] event time data that describes the clickstream data and the content information over time*" and "*classifying the user ... in the user classification when the data describing the <u>event timeline data</u> relates to the at least one user's purchase records*" (emphasis added). Any other conclusion is unreasonable.

Knudsen's page 30 is equally silent. *Knudsen's* page 30 explains how "program tags" may associate an advertisement to a program, such that the "advertisement for athletic footwear" may be associated with sporting programs. *Knudsen's* page 30 continues explaining how programs may also have similar tags. Still, though, does *Knudsen's* page 30 is entirely silent to "*generat[ing] event time data that describes the clickstream data and the content information over time*" and "*classifying the user ... in the user classification when the data describing the event timeline relates to the at least one user's purchase records*" (emphasis added). Any other conclusion is unreasonable.

Williams with *Knudsen*, then, does not teach what the Office asserts. The combined teaching of *Williams* with *Knudsen* is entirely silent to "*generat[ing] event time data that describes the clickstream data and the content information over time*" and "*classifying the user ... in the user classification when the data describing the event timeline relates to the at least one user's purchase records*" (emphasis added). The Office has, very respectfully, misinterpreted *Knudsen*. When *Knudsen* is correctly interpreted, the combined teaching of *Williams* and *Knudsen* makes no such teaching.

Claims 1-4, 6-15, and 18-38, then, are not obvious over *Williams* with *Knudsen*. The independent claims recite many features that are not disclosed or suggested by *Williams* with *Knudsen*. Their respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-6, 6-15, and 18-38 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,
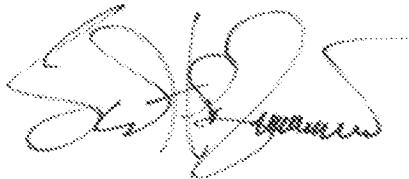
Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390